



2026:AHC:128921

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 6154 of 2026

Sumit Tiwari

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	:	Ashish Kumar Singh
Counsel for Respondent(s)	:	Brijendra Kumar Raj, G.A.

Court No. - 67

HON'BLE SAMEER JAIN, J.

1. Heard Sri Ashish Kumar Singh, learned counsel for appellant, Sri Brijendra Kumar Raj, learned counsel for opposite party no.2 and Dr. S.B. Maurya, learned AGA-I for the State.
2. The instant appeal has been filed by the appellant with a prayer to set aside the impugned order dated 05.05.2026 passed by Additional Sessions Judge/Special Judge, SC/ST Act by which, bail application of the appellant has been rejected in Case Crime No. 59 of 2024, under Sections 308, 323, 504, 506 IPC and Section 3(1)Da/Dha, 3(2)(va) SC/ST Act, Police Station Kotwali, District Hamirpur.
3. Learned counsel for appellant submits, the instant appeal has been directed against the impugned order dated 05.05.2026 by which, bail application of the appellant has been dismissed by the court concerned. He next submits, court concerned wrongly dismissed the bail application of the appellant as prima facie appellant appears to be innocent.
4. He next submits, however, in the FIR there are five accused persons including appellant but only general role has been assigned to all the accused. He further submits, there is no evidence on record which can suggests that appellant caused injury to the injured.
5. He next submits, along with appellant co-accused Arun Kumar Tiwari @ Pappu Pandit was also made accused but when his bail application was dismissed by the court concerned then he challenged the order in Criminal Appeal No. 2956 of 2026 before this Court and co-ordinate Bench of this Court allowed his appeal and directed to enlarge him on bail and case of appellant is exactly at par with him.

6. He further submits, appellant is not having any criminal history.
7. He further submits, considering the facts and circumstances of the case, the impugned order dated 13.03.2026 is liable to be set aside and appellant is entitled to be released on bail.
8. Per contra, learned AGA as well as learned counsel for opposite party no.2 opposed the prayer but could not dispute the argument on facts advanced by learned counsel for appellant.
9. I have heard both the parties and perused the record of the case.
10. However, there is allegation that appellant and others made assault due to which injured sustained injury and injured side belongs to scheduled caste community but it reflects, on the basis of general allegation appellant has been made accused in the present matter.
11. Further, along with appellant co-accused Arun Kumar Tiwari @ Pappu Pandit was also made accused but he has been released on bail by this Court and case of appellant is at par with him.
12. Further, appellant is not having any criminal history and in the present matter he is in jail since 23.04.2026.
13. Therefore, considering the facts and circumstances of the case discussed above, in my view, the impugned order dated 05.05.2026 is illegal and is liable to be set aside.
14. Accordingly, the impugned order dated 05.05.2026 passed by the court concerned is set aside. Appellant is directed to be released on bail during trial.
15. The instant appeal stands **allowed**.
16. Let the appellant- **Sumit Tiwari**, be released on bail in the aforesaid case, on his furnishing a personal bond and two reliable sureties of the like amount to the satisfaction of the court concerned with the following conditions:
 - (i). The appellant will not tamper with the evidence during the trial.
 - (ii). The appellant will not pressurize/ intimidate the prosecution witness.
 - (iii). The appellant will appear before the trial court on the date fixed, unless personal presence is exempted.

(iv). The appellant shall not commit an offence similar to the offence of which they are accused, or suspected, of the commission of which they are suspected.

(v). The appellant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer or tamper with the evidence.

17. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

June 24, 2026
AK Pandey

(Sameer Jain,J.)